

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

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Communications Assistance for  
Law Enforcement Act )

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CC Docket No. 97-213

COMMENTS OF THE  
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

The Personal Communications Industry Association ("PCIA")<sup>1</sup> hereby respectfully submits these comments in response to the Commission's *Public Notice*<sup>2</sup> seeking comment on the CALEA revenue<sup>3</sup> estimates of the following five manufacturers: Alcatel Network Systems; Lucent Technologies, Inc.; Motorola, Inc.; Northern Telecom, Inc.; and Siemens Information and Communications Networks. In its efforts to determine what features and capabilities fall within the scope of CALEA,<sup>4</sup> the Commission must

<sup>1</sup> PCIA is an international trade association established to represent the interests of both the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the PCS Alliance, the Site Owners and Managers Association, the Association of Wireless Communications Engineers and Technicians, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents the interests of tens of thousands of FCC licensees.

<sup>2</sup> Comment Sought on CALEA Revenue Estimates of Five Manufacturers, *Public Notice*, CC Docket No. 97-213, DA 99-863 (rel. May 7, 1999) ("*Public Notice*").

<sup>3</sup> Revenues are the prices the manufacturers plan to charge times the quantities they anticipate selling, and may include profits. See *Public Notice* at 1, n. 3.

<sup>4</sup> The FCC is only evaluating whether the contested requirements, included or excluded from J-STD-025, meet the assistance capability requirements of Section 103 of CALEA. These contested requirements are the location and packet-mode provisions currently included within J-STD-025, and the nine "punch list" items that are not currently included, but are still being sought by the law enforcement community.

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consider five specific factors, pursuant to Section 107(b) of CALEA.<sup>5</sup> More specifically, the Commission must consider whether a particular technical requirement: (1) meets the assistance capability requirements of Section 103 by cost-effective methods; (2) protects the privacy and security of communications not authorized to be intercepted; (3) minimizes the cost of such compliance on residential ratepayers; (4) serves the policy of the United States to encourage the provision of new technologies and services to the public; and (5) provides a reasonable time and conditions for compliance with and the transition to any new standard, including defining the obligations of telecommunications carriers under Section 103 during any transition period.<sup>6</sup> Taking these criteria together, it is clear Section 107 of CALEA requires the Commission to consider cost as a factor in determining CALEA technical standards. Therefore, the FCC is to be commended for seeking further information about CALEA costs and for seeking these comments.

As the Commission explains in its *Public Notice*, the data filed concerns revenue estimates for software, and in some cases certain hardware, upgrades to switching equipment that the five manufacturers plan to sell to wireline, cellular, and broadband PCS carriers to enable those carriers to meet the still undetermined technical requirements of CALEA.<sup>7</sup> The aggregated data is a first step in obtaining the needed information, but the Commission should actively work to obtain more detailed revenue estimates from more manufacturers. The Commission and the general public need to be assured that the cost data the Commission uses in determining CALEA technical standards represents all

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<sup>5</sup> 47 U.S.C. § 1006(b).

<sup>6</sup> 47 U.S.C. § 1006(b)(1)-(5).

CALEA-related software and equipment revenues anticipated by the relevant manufacturers for U.S. cellular, broadband PCS, and wireline carriers. The data presented only reflect the contributions of five manufacturers.<sup>8</sup> Many other major manufacturers who will sell CALEA-compliant equipment, or software to upgrade existing equipment, to U.S. wireless and wireline carriers, are simply unaccounted for. The Commission should obtain cost estimates from a larger portion of the manufacturing community to ensure that the costs it uses to determine what features and capabilities fall within the scope of CALEA are an accurate reflection of the telecommunications industry.

As the Commission readily admits in the *Public Notice*, another flaw with the aggregated information is that the revenue estimates “...are not completely comparable.”<sup>9</sup> For example, only a few of the manufacturers included a capability for location information in their J-STD-025 revenue estimates. In addition, as the Commission notes, “...some manufacturers included a capability under a different punch list item than other manufacturers, or included a capability under J-STD-025.”<sup>10</sup> Moreover, the Commission states that “...some of the manufacturers estimated revenues based upon the current number of switches in service, while other estimated revenues based upon the number of switches they anticipate will be in service at the time their upgrades are sold to carriers.”<sup>11</sup> Without much more detail about the data, it is difficult to comment in any meaningful

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<sup>7</sup> *Public Notice* at 1.

<sup>8</sup> However, all five manufacturers did not supply revenue estimates for each punch list capability.

<sup>9</sup> *Public Notice* at 2.

<sup>10</sup> *Id.*

way on these issues. Nevertheless, it is important for the FCC to keep these limitations in mind as it evaluates the data.

PCIA believes that one thing can be learned from the aggregated data. It is now clear that there is a very significant cost to providing law enforcement with the capability described as “dialed digit extraction.”<sup>12</sup> This feature should be excluded from the scope of CALEA. PCIA is already on record as opposing the Commission’s determination that post-cut-through digits are call-identifying information.<sup>13</sup> Given the price tag that accompanies post-cut-through digits – total revenues are estimated to be \$121 million<sup>14</sup> – the Commission should find that the costs outweigh the benefits associated with this assistance capability. Moreover, under J-STD-025, law enforcement officials would be provided with post-cut-through digits if they serve the subscriber’s local exchange (or other originating) carrier with a Title III (call content) warrant and arrange for the provisioning of a call data channel from the carrier, or serve the subscriber’s interexchange carrier with a pen register warrant and arrange for the provisioning of a call data channel from the carrier. Given the availability of this alternative, the Commission should not expand J-STD-025 in a manner that conflicts with Section 103 of CALEA and imposes a heavy cost burden.

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<sup>11</sup> *Public Notice* at 2-3.

<sup>12</sup> This capability would require the telecommunications carrier to provide to the law enforcement agency, on the call data channel, any digits dialed by the subject after connecting to another carrier’s service. This capability is also known as “post-cut-through digits.” For example, this capability might be used to access a PIN number a subject might enter to access bank account information or when making numeric selections from a voice-mail menu to access information.

<sup>13</sup> *See* PCIA Comments at 32-33 (Dec. 14, 1998).

There are other key facts that could assist commenters in evaluating this data. For example, the current data does not indicate what percentage of the total universe of switches are represented by these five manufacturers, nor does the data breakdown which revenues are from hardware and which are from software upgrades. The data also fails to separate developmental costs from installation costs. If at all possible, it would be extremely helpful to further separate the “wireless industry” costs into cellular and PCS categories.

Respectfully submitted,

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